

1 AN ACT in relation to conditions of employment.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Flex-time Rights Act.

6 Section 5. Policy. The General Assembly finds that  
7 employees occasionally have legitimate needs to leave their  
8 places of employment during work hours. The intent of this  
9 Act is to ensure that employees are able to obtain needed  
10 time away from work of up to 24 hours per year.

11 Section 10. Definitions. As used in this Act:

12 (a) "Employee" means a person who performs services for  
13 hire for an employer for:

14 (1) at least 6 consecutive months immediately  
15 preceding a request for leave under this Act; and

16 (2) an average number of hours per week equal to at  
17 least one-half the full-time equivalent position in the  
18 employer's job classification, as defined by the  
19 employer's personnel policies or practices or in  
20 accordance with a collective bargaining agreement, in  
21 effect during the immediately preceding 6 months.

22 "Employee" includes all individuals meeting the above  
23 criteria but does not include an independent contractor.

24 (b) "Employer" means any individual, partnership,  
25 association, business trust, person, or entity for whom 25 or  
26 more persons are gainfully employed in Illinois.

27 (c) "Director" means the Director of Labor.

28 (d) "Flex-time leave" means the employee leave provided  
29 by Section 15 of this Act.

1 Section 15. Flex-time leave.

2 (a) An employer must grant an employee leave of up to a  
3 total of 24 hours during any calendar year. An employer may  
4 require that not more than 4 hours of this leave be taken by  
5 an employee on any one day. An employer may require that the  
6 duration of any period of leave be not less than 2 hours. No  
7 leave may be taken by an employee of an employer that is  
8 subject to this Act unless the employee has exhausted all  
9 accrued vacation leave, personal leave, compensatory leave,  
10 and any other leave except sick leave, disability leave, and  
11 other leave mandated by federal or State law.

12 (b) An employee shall provide an employer with a written  
13 request for leave at least 7 days in advance of the time the  
14 employee plans to take the leave. In emergency situations, an  
15 employee shall provide the request for leave at least 24  
16 hours in advance. The employee must consult with the  
17 employer to schedule the leave so as not to unduly disrupt  
18 the operations of the employer.

19 (c) Nothing in this Act requires that the leave be paid.

20 (d) If an employer offers its employees personal or  
21 compensatory leave of at least 3 days per year, the employer  
22 is exempt from the provisions of this Act.

23 Section 20. Compensation. An employee who utilizes or  
24 seeks to utilize the rights afforded by this Act may choose  
25 the opportunity to make up the time so taken as guaranteed by  
26 this Act on a different day or shift as directed by the  
27 employer. An employee who exercises his or her rights under  
28 this Act shall not be required to make up the time taken, but  
29 if the employee does not make up the time taken, the employee  
30 shall not be compensated for the time taken. An employee who  
31 does make up the time taken shall be paid at the same rate as  
32 is paid for normal working time. An employer shall make a  
33 good faith effort to permit an employee to make up the time

1 taken for the purposes of this Act. If no reasonable  
2 opportunity exists for the employee to make up the time  
3 taken, the employee shall not be paid for the time. A  
4 reasonable opportunity to make up the time taken does not  
5 include the scheduling of make-up time in a manner that would  
6 require the payment of wages on an overtime basis.  
7 Notwithstanding any other provision of this Section, if  
8 unpaid leave under this Act conflicts with the unreduced  
9 compensation requirement for exempt employees under the  
10 federal Fair Labor Standards Act, an employer may require an  
11 employee to make up the leave hours within the same pay  
12 period.

13 Section 25. Notification. Employers shall conspicuously  
14 post notification of the requirements of this Act in each of  
15 their workplaces, in a format approved by the Director of  
16 Labor. The Director shall provide a notification form to  
17 every employer who so requests, for which the Director may  
18 charge a fee equal to the cost of producing and providing the  
19 form.

20 Section 30. Administration; enforcement.

21 (a) The Director shall be responsible for the  
22 administration and enforcement of this Act.

23 (b) The Director shall promulgate rules to implement the  
24 provisions of this Act.

25 (c) If an employee alleges that he or she has been  
26 denied his or her rights under this Act, he or she may file a  
27 charge with the Director of Labor. The Director shall  
28 investigate the complaint and shall have authority to issue  
29 subpoenas. The Director shall attempt to resolve the charge  
30 by a conference, conciliation, or persuasion. If the  
31 complaint is not so resolved, the Director may commence an  
32 action in the circuit court to enforce the provisions of this

1 Act including an action to compel compliance. The circuit  
2 court for the county in which the complainant resides or in  
3 which the complainant is employed shall have jurisdiction in  
4 such actions.

5 (d) If an employer violates this Act, an employee may  
6 commence an action in the circuit court to enforce the  
7 provisions of this Act, including actions to compel  
8 compliance, if efforts to resolve the employee's complaint  
9 concerning the violation by conference, conciliation, or  
10 persuasion pursuant to subsection (c) have failed and the  
11 Director has not commenced an action in circuit court to  
12 redress such violation. The circuit court for the county in  
13 which the complainant resides or in which the complainant is  
14 employed shall have jurisdiction in such actions.

15 (e) Failure to comply with an order of the court may be  
16 punished as contempt. In addition, the court shall award an  
17 employee prevailing in an action pursuant to this Act the  
18 following damages:

19 (1) Actual damages plus costs.

20 (2) For each willful and knowing violation of this  
21 Act, \$200 plus costs and reasonable attorney's fees.

22 (f) Any employer or his or her agent who violates any  
23 provision of this Act is guilty of a petty offense and is  
24 subject to a fine of \$500 for each offense.

25 (g) Any employer or his or her agent who discharges or  
26 in any other manner discriminates against an employee because  
27 that employee has exercised any right under this Act, or has  
28 made a complaint concerning an alleged violation of this Act  
29 to the employer or the Director, or has caused to be  
30 instituted or is about to cause to be instituted any  
31 proceeding under or related to this Act, or because that  
32 employee has testified or otherwise provided information in  
33 connection with any investigation or proceeding under this  
34 Act, is guilty of a petty offense and is subject to a fine of

1     \$1,000 for each offense.

2           Section 35. School Visitation Rights Act. The leave  
3     granted under this Act shall be in addition to any leave  
4     granted under the School Visitation Rights Act.